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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Andrea F. GULLA, et al.
Serial No.: 10/830,182
Filed: 04/22/2004
For: CATALYST.. REDUCTION

Group: 1755

Examiner: Hailey, Patricia L.

Hedman and Costigan
1185 Avenue of the Americas
New York, NY 10036

DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Giuseppe FAITA hereby deposes and says

- I graduated with a thesis on anodes suitable for chlorine evolution at the Department of Physical Chemistry and Electrochemistry of the Università degli Studi di Milano where I am presently Associated Professor of Industrial Chemistry and Lecturer for the Courses of "Industrial Chemistry" and "Construction materials for chemical plants".
- Since 1974 I began acting as technical advisor to chemical and engineering Companies in the fields of Industrial Chemistry and Electrochemistry
- I am author or co-author in 50 papers in the field of electrochemistry and corrosion protection published in international journals, I have given 18 invited lectures and I am a designated inventor in 17 pending or granted patents.

The above application is directed to an electrocatalyst for oxygen reduction comprising a cobalt and ruthenium sulfide supported on a conductive carbon black and a method of producing a gas diffusion electrode.

The Examiner has rejected the claims as being anticipated by the Forquy et al patent which he says discloses a catalyst comprised of ruthenium and cobalt sulfide on a support and cites active carbon as a support citing lines 22 to 38 of column 2.

Lines 27 to 30 of column 2 recites as examples of the support alumina, silica, kieselguhr, titanium, zirconium oxide, silica-alumina, thorium oxide or active carbon, none of which are electrically conductive as is known by skilled electrocatalytic engineers. As noted above, the claims require a conductive carbon black and active carbon has negligible conductivity. This is supported by Forquy patent since the active carbon is grouped with materials which are not conductive. Active carbon does not mean conductive. Therefore, the Forquy patent does not anticipate or render obvious Applicants' catalyst as it does not teach a conductive support, much less a conductive carbon black support.

Active carbon is not carbon black.

He hereby declares that all statements made herein of own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the

like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Giuseppe Faita

Giuseppe FAITA

Date: May 14th, 2007

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Charles A. Muserlian #19,683 — 6-13-08

Serial No.: 10/830,182
Group: 1793

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